

1 HONORABLE RONALD B. LEIGHTON
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 JAMES T. FLEMING,

14 Petitioner,

15 v.

16 PAT GLEBE,

17 Respondent.

18 Case No. C10-5213RBL

19 ORDER

20 THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion to Proceed *In*
21 *Forma Pauperis* on Appeal [Dkt. #19]. Having considered the entirety of the records and file herein, the
22 Court finds and rules as follows:

23 Petitioner's Motion fails for two reasons: one, the Motion does not indicate what issue or issues
24 the Petitioner plans to present on appeal and is thereby not in conformity with Fed. R. App. P.
25 24 (a)(1)(C); and, two, the Court previously determined that the Petitioner's appeal lacks merit when the
Court denied a certificate of appealability under 28 U.S.C. § 2253(c)(2). Therefore,

26 Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal [Dkt. #19] is **DENIED**.

27 **IT IS SO ORDERED.**

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 7th day of September, 2010.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE